File No. 430
1935.

Collection No.

F A.
Mab 3/7
CB 2/7/47

Pros. Serial Nos. 1-10

Subject.

Rules for the payment of expenses of complainants & witnesses attending criminal C

Previous References.

143-32,
482
34
1899-37.

Later References.

A'
14
15/9/45 — 12 18/

Paras 4, 5, 6, 7
of Office Note
already sent
B.E.C
18/12/45

# NOTES AND PRECIS.

issued
Rules/under sec. 544 of the Code of Criminal Pro
Code regulate the payment of expenses, i.e., tra
allowance and batta, to witnesses and complainar
attending Criminal Courts. The existing rules ir
Station are those issued with the Resident's Not
No.17, dated the 10th September 1883, to which a
and modifications were issued from time to time.
original rules were based upon those then in for
Coorg; They also seem to agree so far as they g
similar rules made in Madras .

The Madras rules are however fuller. They w
re-issued last in 1920 and have also been added
It seems best to revise the Station rules on the
of the Madras rules as amended up to date and re-
them in a consolidated form. Sec.544 of the Code
amended in 1920 so as to enable Local Govts. to
without the previous sanction of the Governor Ge
Council. The Resident as Local Govt. is therefore
to issue them.

A copy of the Madras rules as amended up to
is not however available on this office file. The
complete copy available is the one issued in 1918
up-to-date amended copy may first be obtained. A
is submitted.

* S.N.6/F.184-85 (R)

vide S.N.1 & 1/c
-do-

vide copy of
the Madras rules
of 1912 at S.N.
38/a-184/85 (M)

cf. the notifn.
at cor. p.3/F.457-34 (L)

# S.N 66/2 (M)
184-85

12.3.35

Issued S.N 1 & 15-3-35.

(5)

Please see paras 1, 2 and 7 of notes.

The rules in force in the Station are antiquated, ar
appear to require modification. The Madras rules are s
table.

Please see S.N. 1 of File 184-1885. The existing ru
were framed on the recommendation of the District Supe
dent of Police. A draft set of rules may now be invit
from the District Magistrate, which will be submitted
Additional Judge for approval before they are placed f
consideration of Resident. Draft submitted.

AsRao
10.7.37

(From para 8)

Issue.
(This action ought to have been taken
about 5 months ago).

12.7.37.

AS.

Was the case shown in the arrear lists; if not why not.

12.7.

Submitted -
The case has continued to be shown in the arrears lists all the time.

AsRao
12.7.37

12/7

P.W.C
Cor p. 15.
12.

S. N. (9) issue

Dy.No. 10950 S.N. 10

All the Courts in the Station have reported to
District Magistrate that no practical difficulty has
been felt in working the existing rules. In view of
expression of his opinion in the later part of Distri
Magistrate's letter, the point relating to the distin
between Europeans, Anglo Indians and Indians may als
considered if and when some expression of public opi

suggest

(6)

suggests the necessity. The question may now be

A.S.Rao
12.xi.37

(pa

Secretary.

A.
14.11.37.

Draft 16-xii-37

Record.
Eng 9/xii

# CORRESPONDENCE.

S. N. 1.

DEPARTMENT.

BRANCH.

Draft Letter ~~Memorandum~~ ~~Telegram~~

Class for telegrams

Ordinary
Express
Urgent*
Priority
Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

No. F.457/34 Dated 15th March

To.

The Secretary to the Govt.
Madras Law ( General)

Subject:- Rules for the payment
expenses of complaina
nd witnesses attendi
Criminal Courts.xxxxx

To be issued on

Issued on.

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams)

F 457-34
(L)

Sir,

I am directed to refer to
proceedings of the Govt. of Madra
the Law ( General) Deptt., No.394
dated the 5th December 1933, regs
certain amendments to
the rules for the payment of the
expenses of complainants and witn
attending Criminal Courts in the
and the Presidency of Madras, and
request you to be so good as to
furnish this Residency with a cop
complete set of
the rules on the subject as amende
up to date.

I have etc.,

Close 12/3

Secretary.

Ill
4/3

PHH
13/3.

MGIPC—S1—158(Genl)MFP—(M-1933)—3-5-34—50 000 Pads.

S. N 2.

16162

GOVERNMENT OF MADRAS

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
7 MAY 1935
Regd. No. 4459
File. No. 430/35

Law (General) Department.

---

Refce. No. 1114 A-1.

---

From

C. Govindan Nair Esq., Bar-at-Law,

Joint Secretary to the Government of Madras.

To

The Secretary to the Hon'ble the Resident in Mysore,

B a n g a l o r e.

Dated, Fort Saint George, the 4th May 1935.

Sir,

Expenses of complainants and witnesses attending Criminal Courts - Reference:- Your letter No. F. 457-34/R.O.I dated the 15th March 1935.

(T)

****

In reply to your letter quoted above, I am directed to say that separate copies of the rules on the subje are not available. I am however to add that the rules have been incorporated as Rules Nos. 366 to 394 of the "Criminal Ru of Practice and Circular Orders", (1931 edition), issued by th High Court of judicature at Madras; and that copies of this publication are available, for sale with the Superintendent, Government Press, Madras.

I have the honour to be,

Sir,

Your most obedient servant,

For Joint Secretary to Governme

K.V.D.

Law (General) Department.
No.1608.

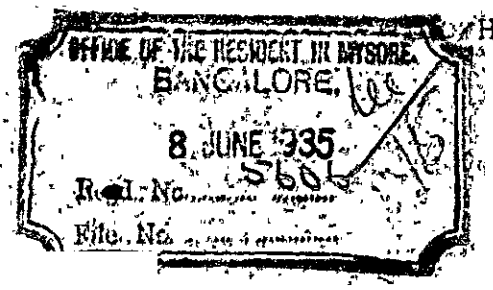
From

C. Govindan Nair, Esquire, Bar-at-Law,

Joint Secretary to the Government of Madras,

To

The Honourable the Resident in Mysore.




Dated Fort St.George, the 15th May 1935

Sir,

Courts - Criminal - Payment of expense - Reciprocal arrangement - Reference correspondence ending with your letter No.F.457/34 R.O.II, dated 8th September 193.

I am directed to forward for your information a copy of the proceedings of this Government No.1687 dated 15th May 1935 regarding the reciprocal arrangements entered into for payment of the expenses of officials summoned as witnesses to give evidence in cases where Government is a party of officers of commercial departments summoned as witnesses and of other officials summoned as technical or expert witnesses within the meaning of section 45 of the Indian Evidence Act.

I have the honour to be,

Sir,

Your most obedient servant,

[signature]

for Joint Secretary to Governm

# Government of Madras

LAW (GENERAL) DEPARTMENT

## G.O. No. 1667, 15th May 1935

Courts—Criminal—Witnesses—Payment of expenses—Reciprocal arrangements between the Government of Madras and the Governments of Bihar and Orissa, Central Provinces, North-West Frontier Province and the Government of India representing the Mysore Assigned Tracts—Rules issued.

READ—the following papers :—

G.O. No. 3949, Law (General), dated 5th December 1933.

From the Government of Bihar and Orissa, Finance Department, dated 18th August 1934, No. 4762-F.

From the Government of Central Provinces, Judicial Department, dated 26th October 1934, No. 2158-17-18-D.

From the Government of North-West Frontier Province, dated 9th June 1934, No. 14639-F./1-366.

From the Honourable the Resident in Mysore, dated 8th September 1934, No. F. 457/34-R.O.-2.

From the Registrar, High Court, dated 18th March 1935. R.O.C. No. 5963-B-1/34.

**Order—No. 1667, Law (General), dated 15th May 1935.**

The following notification will be published in the *Fort St. George Gazette* :—

NOTIFICATION.

Under section 544 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased to make the following amendments to the rules for the payment of expenses of complainants and witnesses attending criminal courts in the Madras Presidency, published in Notifications Nos. 386 and 387 on pages 525–528 of Part I of the *Fort St. George Gazette*, dated the 20th April 1920. as subsequently amended :—

AMENDMENTS.

(1)

*Rules for the payment of the expenses of complainants and witnesses attending criminal courts in the City of Madras.*

*Substitute* the following *for* rule 18 :—

" 18. Officials of the Government of Madras, or the Government of Bombay or the Government of Bengal or the Government of the Punjab or the Government of Burma or the Government of Bihar and Orissa or the Government of Central Provinces or the Government of North-West Frontier Province or the Government of India representing the Mysore Assigned Tracts (Civil and Military Station, Bangalore) appearing as witnesses on summons before the criminal courts or any of the other Governments, to give evidence regarding facts of which they have official knowledge, will in cases in which the Government is a party, be paid travelling allowance at its own rates by the Government under which they are serving, on production of certificates of attendance issued by the courts before which they appear as witnesses. In cases where Government is not a party such officers will be paid travelling allowance by the summoning court, according to its rules, and the charges will be borne by the Government of the summoning court.

When any of the Governments mentioned above requisitions, the services of an officer of a commercial department as a witness or any other officer as a technical or expert witness within the meaning of section 45 of the Indian Evidence Act, the pay of the officer concerned for the period of his absence from his headquarters and travelling allowance and other expenses due to him, will be borne by the requisitioning Government. The travelling allowance in such cases, will be regulated by the Travelling Allowance Rules of the Government to which the officer belongs. The charges will, in the first instance, be borne by the latter Government and will be passed on after audit to the requisitioning Government."

(2)

*Rules for the payment of the expenses of complainants and witnesses attending criminal courts in the Madras Presidency outside the Presidency Town.*

*Substitute* the following *for* rule 14 :—

" 14. Officials of the Government of Madras, or the Government of Bombay or the Government of Bengal or the Government of the Punjab or the Government of Burma or the Government of Bihar and Orissa or the Government of Central Provinces or the Government of the North-West Frontier Province or the Government of India representing the Mysore Assigned Tracts (Civil and Military Station, Bangalore) appearing as witnesses on summons before the criminal courts of any of the other Governments, to give evidence regarding facts of which they have official knowledge, will in cases in which the Government is a party, be paid travelling allowance at its own rates by the Government under which they are serving, on production of certificates of attendance issued by the courts before which they appear as witnesses. In cases where Government is not a party such officers will be paid travelling allowance by the summoning court, according to its rules, and the charges will be borne by the Government of the summoning court.

When any of the Governments mentioned above requisitions, the services of an officer of a commercial department, as a witness or any other officer as a technical or expert witness within the meaning of section 45 of the Indian Evidence Act, the pay of the officer concerned for the period of his absence from his headquarters and travelling allowance and other expenses due to him, will be borne by the requisitioning Government. The travelling allowance in such cases, will be regulated by the Travelling Allowance Rules of the Government to which the officer belongs. The charges will, in the first instance, be borne by the latter Government and will be passed on after audit to the requisitioning Government."

2. The Hon'ble the Judges of the High Court are requested to substitute the above rules for rule 383 of the Criminal Rules of Practice.

(By order of the Governor in Council)

C. Govindan Nayar,
*Joint Secretary to Government.*

To the Hon'ble the Chief Justice (with C.L.).
" all Sessions Judges.
" all District Magistrates.
" the Accountant-General (through Finance Department).
" the Finance Department.
" the Law (Drafting) Department.
" the Chief Presidency Magistrate.
" the Commissioner of Police, Madras.
" the Superintendent, Government Press, for publication of the notification.

1C

(9

S. N. 8.

Law (General) Department
Ms. No. 278(A)

OFFICE OF THE I... BANG...
31 JAN. 1936
Regd No. 1097
File. No. ....

From

H.R.Ry. Diwan Bahadur
C. Govindan Nair Avl., Bar-at-Law,
Joint Secretary to the Government of Madras.

To

The Hon'ble the Resident in Mysore.

Dated Fort St.George, the 27th January 1936.

Sir,

430/35

Courts - Criminal-Official witnesses appearing on summons to give evidence regarding facts of which they have official knowledge - Payment of expenses - Reciprocal arrangements.

I am directed to forward a copy of the Proceedings of this Government No.278 Law (General), dated the 27th January 1936 in which the rule on the subject noted above has been reissued making it clear that the reciprocal arrangements relate only to cases where officials appear as witnesses on summons to give evidence regarding facts of which they have official knowledge.

I have the honour to be,

Sir,

Your most obedient servant,

B.R. Ayyar

for Joint Secretary.

ASR.

Government of Madras.

Received.....1935. Registered.....1936

Abstract.

Court -

Criminal - Official witnesses - Payment of expenses - Reciprocal arrangements with certain Darbars - Rule consolidated and reissued.

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Law (General) Department.
G.O. M. No. 270, dated the 27th January 1936.

Read the following:-

G.O.No. 2000 Law (General), dated the 13th June 1935.
From the Accountant-General, Madras, No.T.A.12-11-35-36/685, dated the 12/13th September 1935.
To the Hon'ble the Chief Justice, High Court of Judicature at Madras, letter No.3990-I-2, dated the 23th November 1935.
From the Registrar, High Court, Roc.No.5407/35-I-1, dated the 15th January 1936.

O R D E R.

The following notification will be published in the Fort St. George Gazette:-

Notification.

Under section 544 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased hereby to make the following additions and alterations to the rules for the payment of expenses of complainants and witnesses attending criminal courts in the Madras Presidency published in Notifications Nos. 386 and 387 on pages 525-528 of Part I of the Fort St.George Gazette, dated the 20th April 1920, as subsequently amended:-

Rules for the payment of the expenses of complainants and witnesses attending criminal courts in the City of Madras.-

Substitute the following for rule 17:-

"17. (1) Officials of the Madras Government appearing as witnesses on summons before the criminal courts of any of the Mysore, Travancore, Cochin, Pudukottai, Sandur and Banganapalle Darbars to give evidence regarding facts of which they have official knowledge and officials of any of the above States appearing as witnesses on summons before the criminal courts in the Madras City to give evidence regarding facts of which they have official knowledge may, if such claim be made, be paid

be paid their expenses by the courts before which they appear at the rates to which they are entitled under the regulations their own Government.

"(2) Officials of either the Madras Government or the Government of His Exalted Highness the Nizam appearing as witnesses on summons before the criminal courts of the other to give evidence regarding facts of which they have official knowledge will be paid travelling allowance at its own rates by the Government under which they are serving on production of certificates of attendance issued by the courts before which they appear as witnesses".

Rules for the payment of expenses or compensations to witnesses attending criminal courts in the Madras Presidency outside the Presidency Town.—
Before the following form under rule 13:—

"13. (1) Officials of the Madras Government appearing as witnesses on summons before the criminal courts of any of the Mysore, Travancore, Cochin, Pudukottai, Sandur and Banganapalle Darbars to give evidence regarding facts of which they have official knowledge and officials of any of the above-states appearing as witnesses on summons before the criminal courts in the Madras Presidency to give evidence regarding facts of which they have official knowledge may, if such claim be made be paid their expenses by the courts before which they appear at the rates to which they are entitled under the regulations of their own Government.

"(2) Officials of either the Madras Government or the Government of His Exalted Highness the Nizam appearing as witnesses on summons before the criminal courts of the other to give evidence regarding facts of which they have official knowledge will be paid travelling allowance at its own rates by the Government under which they are serving on production of certificates of attendance issued by the courts before which they appear as witnesses."

2. The Hon'ble the Judges of the High Court are requ

to substitute the above rule for rule 382 of the Criminal R

of Practice, Revised Edition.

(By Order of the Governor in Council).

C. Govindan N
Joint Secret

To the Hon'ble the Chief Justice (with C.L.).
To all Sessions Judges.
" District Magistrates.
To the Accountant-General, through the Finance Department.
" Finance Department.
" Law (Drafting) Department.
" Chief Presidency Magistrate.
" Commissioner of Police.
" Superintendent, Government Press, for publication
notification in paragraph 1.
" Hon'ble the Resident in Mysore (with C.L.).
" Do. at Hyderabad (with C.L.).
" Agent to the Governor-General, Madras States (with

---

Forwarded By Order

(True copy)

Superintendent

S. N. 9

Issued
15/7/37.

155m
A&Rs
12/7

DEPARTMENT.

BRANCH.

Draft Letter / Memorandum / Telegram

Class for telegrams

Ordinary / Express / Urgent* / Priority / Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

No. F.430-35 R.O.I

Dated 15th July

To

The District Magi
Civil and Militar
Bangalore.

---

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

Rules for the payr
expenses of compl
and witnesses att
Criminal Courts.

---

(Code word for telegrams.)

Sir,

I am directed to point
Notification of the Resident
dated the 10th September 188
tainsthe rules under section
the Code of Criminal Procedu
for regulating the payment,
part of Government, of the e
of complainants and witnesse
ding for the purpose of any
trial or other proceeding be
the Crimianl Courts in the S
If you are of the opinion th
should be revised, I am to s
that this may be done on the
of the rules on the subject
in Madras. A draft of such

® × S N 6
F. 184-1885

S. b.

MGIPC—S1—2125(S&P)MFP—(M-2216)—3-2-37—50,000 Pads

No. 2914/A/37.

S. N. 10

Office of the District Magis
Civil and Military Station, Ba

*Dated* 3rd November

From

C. F. V. Williams, Esquire., I.C.S.,

District Magistrate, Civil and Military Sta

BANG

To

The Secretary to the Hon'ble the Resident
in Mysore,
BANGALORE.

Sir,

Rules for the payment of expenses of compl
witnesses attending Criminal Courts - you
*35/R.O.I, dated 15-7-37.

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× S N.9
Cor. p. 13.

I have consulted all courts in the Station except the Bench Court. No practical difficul been felt in working the existing rules, nor ha or representation been made concerning them. in which they might be regarded as out-of-dat between Europeans, Anglo-Indians and Indians, this is a matter which may be considered if an expression of public opinion suggests the necce consider there is any need for revision at the

I have th

Your most

D

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
5 NOV. 1937 N.F.
Regd. No. 10950.
Secn.
1427-37

SAG.3.xi.